

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital: the 16th day of September 2005
Bail application no. 749 of 2005

Order on the bail application of accused

CRIMINAL SIDE

Munna @ Sharad Kumar
S/o Sri Ayodhya Prasad
R/o Village Chittar Digha @ Bigha
P.S. Karai Pasurai
District Nalanda (Bihar) ...Applicant

Versus

State of Uttaranchal ... Opposite Party

Arising out of Case Crime No. 810 of 2004
Under Sections 395 and 412 I.P.C.
P.S. Kotwali Haridwar
District Haridwar

By the court

Hon'ble B.C. Kandpal, J

The applicant has applied for bail in case crime No. 810 of 2004 under Sections 395 and 412 I.P.C. P.S. Kotwali Haridwar, District Haridwar.

Heard Sri Navneet Kaushik, learned counsel for the applicant, learned A.G.A. and perused the record.

The record reveals that the applicant is not named in the First Information Report. A mobile phone is alleged to have been recovered from the possession of the applicant but the description of the mobile phone does not find any place in the First Information Report. There is no recovery of any other article from the possession of the applicant.

The incident took place on 17th December, 2004 while the applicant was arrested on 01.04.2005 from Meerut. The applicant thereafter put up for identification but none of the witness can identify him. The applicant is in jail since 01.04.2005 and learned A.G.A. could not show any criminal history of the applicant before me.

Having considered the aforesaid facts and circumstances of the case, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant Munna @ Sharad Kumar be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

16.09.2005
ASWAL